

**Amendments to the Drawings:**

The first attached sheet of drawings includes changes to Figure 3. This first sheet, which includes Figure 3, replaces the original sheet including Figure 3. The other attached sheets of drawings include new Figures 4 and 5.

Attachment: 1 Replacement Sheet of Formal Drawings (Figure 3) and 2 New Sheets of Formal Drawings (Figures 4 and 5).

### REMARKS/ARGUMENTS

This is a Response to the Office Action mailed November 1, 2005, in which a three (3) month Shortened Statutory Period for Response has been set, due to expire February 1, 2006. Eleven (11) claims, including one (1) independent claim, were paid for in the application. Claims 1-5 and 11 are currently amended. New claims 12-22 have been added. We have enclosed our check to cover the fee for additional claims due by way of this Amendment. Figure 3 has been amended to correct a typographical error. New Figures 4-5 have been added. No new matter has been added to the application. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090. Claims 1-20 are pending.

#### Amendments to the Drawings

New Figures 4-5 were previously disclosed as Figures 1-2 in U.S. Patent No. 6,172,596. U.S. Patent No. 6,172,596 was incorporated by reference in the originally filed application. Applicants submit that no new matter has been introduced.

#### Amendments to the Specification

In order to support new Figures 4-5, Applicants are adding a portion (*i.e.*, line 27, col. 3 – line 54, col. 3) of U.S. Patent No. 6,172,596 by amendment. U.S. Patent No. 6,172,596 was incorporated by reference in the originally filed application. Applicants submit that no new matter has been introduced. For the convenience of the Examiner, the portion of U.S. Patent No. 6,172,596 added to the instant application by amendment herein is repeated below. Furthermore, changes (*i.e.*, reference numeral and figure number changes) to the portion of U.S. Patent No. 6,172,596 that are required to place the application in condition for publication are noted in redline. The following portion of U.S. Patent No. 6,172,596 has been incorporated into the specification beginning on line 8, page 10, of the Redline Substitute Specification:

FIG. 41 shows a system comprising a base station 4100 comprising a base station computer 4102 or other logic devices having a base station memory 4104 and a base station receiver/transmitter 4106 connected to a base station antenna 408110 sending RF electromagnetic waves 410120 to the tag antennas 412130 and 414140 of two tags 416131 and 418141. The preferred embodiments use RF electromagnetic (EM) waves for communication between the tags 416131 and 418141 and the base station 4100.

The most preferred embodiments use tags sketched in FIG. 52 which have a tag receiver/transmitter section 420150, a tag logic section 422160, and a read write tag memory section 424170 which may be read and written by RF communication to and from the base station 4100. The base station 4100 sends RF power and information to the tag antenna 412130 of tag 416131. The tag receiver/transmitter 420150 receives power from the RF energy 410120, and transmits this power to the tag logic section 422160 and the tag memory section 424170. In some preferred embodiments, the tag may be powered by a battery or other power source as known in the art. The tag receiver/transmitter section 420150 sends a low frequency modulation of the RF signal 410120 to the tag logic section 422160. The tag logic section 422160 interprets the low frequency modulated signal and may write data to or read data from the tag memory 424170. The tag logic section 422160 may send data read from the tag memory to the tag receiver/transmitter section 420150, which modulates the reflectance of the tag antenna 412130 and hence transmits information to the base station 4100.

#### Information Disclosure Statement

In order to properly cite the references listed in the specification, Applicants submit herewith an Information Disclosure Statement, together with the requisite fee. Applicants note that some of the prior art made of record by the Examiner was not listed on the PTO-892 attached to the present Office Communication. Accordingly, Applicants have listed those

references on the Information Disclosure Statement submitted herewith, in addition to the references listed in the specification. Applicants respectfully request that the Examiner provide acknowledgement of having considered all of the cited references.

### Objections

The specification was objected to because of informalities which are corrected by the substitute specification submitted herewith. In addition, Applicants have corrected typographical errors in the specification and introduced terms ("response time," "flag reset time," "tag power down time" and "protocol time limit") to merely label concepts already in the specification (see lines 10-11, page 8; lines 26-28, page 8; and line 13, page 9, of the Substitute Redline Specification).

### Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1-8 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which the Applicants regard as the invention because the term "substantial" is a relative term which renders the claim indefinite. Claims 1-5 and 11 have been amended above to address the rejection, and also to correct informalities noted by Applicants.

### Rejections Under 35 U.S.C. § 102(b)

Claims 1-4 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Kenny et al.* (U.S. Patent Publication No. 2004/0036595). Applicants respectfully traverse.

The disclosed embodiment of the invention will now be discussed in comparison to the applied reference. Of course, the discussion of the disclosed embodiment, and the discussion of the differences between the disclosed embodiment and the subject matter described in the applied reference, do not define the scope or interpretation of any of the claims. Instead,

such discussed differences merely help the Examiner to appreciate important claim distinctions discussed thereafter.

Amended claim 1 recites, in part, "sending power  $P_j$  for a first time interval  $t_j$  to the at least one tag at a first frequency  $f_j$  ... and sending power  $P_{j+1}$  for a time interval  $t_{j+1}$  to the at least one tag at a second frequency  $f_{j+1}$  ... **wherein  $t_j$  and  $t_{j+1}$  are different time intervals** ..." (emphasis added). Applicants respectfully submit that *Kenny et al.* does not disclose, teach or suggest a system or method of sending power to one or more tags in which the length of time that power is sent at a first frequency is different than the length of time that power is sent at the second frequency, as claimed. In fact, *Kenny et al.* does not disclose the length of time that any signal is transmitted. If the undersigned attorney has overlooked in *Kenny et al.* a mention of sending power to tags at two different frequencies for two unequal time intervals, the Examiner is requested to point out specifically where such teaching may be found. Applicants respectfully submit that claim 1, as amended, is not anticipated by *Kenny et al.*, and request that claim 1 be allowed. Furthermore, since claims 2-4 depend directly from claim 1, Applicants submit that they are not anticipated for at least the reasons given above in conjunction with claim 1, and request that claims 2-4 be allowed.

#### Rejections Under 35 U.S.C. § 103

Claims 5-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kenny et al.* (U.S. Patent Publication No. 2004/0036595) in view of the references listed in the specification. Claims 5-11 depend either directly or indirectly from claim 1. Applicants respectfully submit that the references listed in the specification and cited by the Examiner in rejecting claims 5-11 do not remedy the deficiencies of the primary reference as discussed above in conjunction with claim 1. Applicants respectfully submit that claims 5-11 are allowable for at least the reasons given above in conjunction with claim 1, and request that claims 5-11 be allowed.

Conclusion

In light of the above amendments and remarks, Applicants respectfully submit that all pending claims are allowable. Applicants, therefore, respectfully request that the Examiner reconsider this application and timely allow all pending claims. Examiner Brown is encouraged to contact Mr. Abramonte by telephone to discuss the above and any other distinctions between the claims and the applied references, if desired. If the Examiner notes any informalities in the claims, the Examiner is encouraged to contact Mr. Abramonte by telephone to expediently correct such informalities.

Respectfully submitted,

Seed Intellectual Property Law Group PLLC

A handwritten signature in black ink, appearing to read 'Frank Abramonte', is written over a horizontal line.

Frank Abramonte  
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FA:lrw

Enclosures:

Postcard  
1 Replacement Sheet and 2 New Sheets of Formal Drawings  
Substitute Specification  
Redlined Substitute Specification  
Information Disclosure Statement, with cited references (3)

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